

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALIHUSSIAN BARNES,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CASE NO. 1:19-CV-398

HON. ROBERT J. JONKER

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Berens's Report and Recommendation in this matter (ECF No. 18); Plaintiff's Objections (ECF No. 19); and Defendant's Response (ECF No. 20). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE, § 3070.2, at 451 (3d ed. 2014). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the Report and Recommendation itself; Plaintiff's objections; and Defendant's response. The Court

finds the Magistrate Judge's Report and Recommendation, which recommends affirming the decision of the ALJ, factually sound and legally correct.

The Magistrate Judge carefully and thoroughly considered Plaintiff's claims and determined that substantial evidence supports the ALJ's findings and decision. In his Objections, Plaintiff primarily reiterates and expands arguments he made in his earlier briefing. The Magistrate Judge carefully considered and properly rejected these arguments. Nothing in Plaintiff's Objections changes the fundamental analysis. After de novo review, this Court determines that substantial evidence supports the ALJ's decision, for precisely the reasons detailed in the Report and Recommendation.

ACCORDINGLY, IT IS ORDERED:

1. The Report and Recommendation of the Magistrate Judge (ECF No. 18) is approved and adopted as the opinion of the Court.
2. Plaintiff's Objections (ECF No. 19) are **OVERRULED**.
3. The Commissioner's decision is **AFFIRMED**.

Dated: July 2, 2020

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE